

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP, ET AL.,

Plaintiffs,

No. 23-CV-1104

v.

BERGER, ET AL.,

Defendants.

ORDER

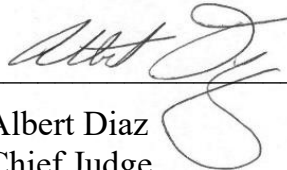
The District Court has requested appointment of a three-judge panel in the above-captioned case, a civil rights action for declaratory and injunctive relief, in which plaintiffs allege that "...redistricting criteria exclud[ed] any formal evaluation or consideration of race..." in violation of the 14th and 15th Amendments of the U.S. Constitution and the Voting Rights Act of 1965.

A district court of three judges is to be convened "when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body," 28 U.S.C. § 2284(a). When a request for a three-judge panel is received, "the judge to whom the request is presented shall, unless [the judge] determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two

other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding. 28 U.S.C. § 2284(b)(1).

NOW THEREFORE, I DO HEREBY DESIGNATE AND ASSIGN the Honorable Allison J. Rushing, United States Circuit Judge for the Fourth Circuit, and the Honorable Richard E. Myers II, United States Chief District Judge for the Eastern District of North Carolina, to sit with the Honorable William L. Osteen, Jr., United States District Judge for the Middle District of North Carolina, the three to constitute a district court of three judges to hear and determine this matter as provided by 28 U.S.C. § 2284.

This 2nd Day of January, 2024.



Albert Diaz
Chief Judge
U.S. Court of Appeals for the Fourth Circuit